ORIGINAL

Serial No. 76100

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office JUL 30 2007

Returned to applicant for correction AUG 01 2007

Corrected application filed ..... Map filed .....

The applicant FRENNER CONSTRUCTION COMPANY

4040 FRENNER ROAD (Street and No. or P.O. Box No.) of NORTH LAS VEGAS (City or Town)

NEVADA 89030 (State and Zip Code No.), hereby make.... application for permission to change the

POINT OF DIVERSION, MANNER AND PLACE OF USE OF A PORTION

of water heretofore appropriated under PERMIT 59297 CERTIFICATE 14171

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is UNDERGROUND (Name of stream, lake, underground, spring or other sources.)
2. The amount of water to be changed .0378 CFS WITH A DUTY OF 9.08 ACFT ANNUAL (Second feet, acre-feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for MINING AND MILLING (DUST CONTROL) (Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use.)
4. The water heretofore used for IRRIGATION (If for stock state number and kind of animals.)
5. The water is to be diverted at the following point THE NE¼ NE¼ SECTION 21 T16N R21E (Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.)

MDB&M FROM WHICH THE NE CORNER OF SAID SECTION 21 BEARS N60°E A DISTANCE OF 310 FT (ACTUAL). RECORDED MAP SHOWS TIE "FROM WHICH THE NE CORNER OF SAID SECTION 21 BEARS N36°40'E A DISTANCE OF 325 FT." SEE MAP 44237

6. The existing point of diversion is located within S½ NE¼ SECTION 17, T17N, R21E, MDB&M (If point of diversion is not changed, do not answer.)

OR AT A POINT FROM WHICH THE E¼ CORNER OF SAID SECTION 17 BEARS S 53°19'22" E, A DISTANCE OF 1942.0 FEET; SEE MAP UNDER 59297.

103-LY

7. Proposed place of use E½ Section 18 and the W½ of Section 17, T16N R22E MDB&M. Within US Mineral Surveys #147, 148, 149 3774, & 4498.
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use 3.0 acres in the SW¼ NE¼ of Section 17 T17N, R23E MDB&M
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.
2.27 Ac. being stripped from irrigation

9. Use will be from January 1 to December 31 of each year.
Month and Day

10. Use permitted from January 1 to December 31 of each year.
Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Existing Well
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works $25,000

13. Estimated time required to construct works Well Log on File
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use Immediate

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

By _____
Print or type name clearly Richard A. Buenting

Signature, applicant or agent

P.O. Box 70846
Street and No., or P.O. Box No.

Reno NV 89570
City, State, Zip Code No.

WITHDRAWN BY AGENT 11/9/07

STATE ENGINEERS OFFICE
2007 JUL 30 AM 9:

Tony Taylor P.E. STATE ENGINEER

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$150 FILING FEE MUST ACCOMPANY APPLICATION

(O)-1583A (Rev. 12-96)